

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 29, 2012

8:30 A.M. ROLL CALL

Invocation by Cambodian Monks of Wat Khmer Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "[FRESNO COIN GALLERY DAY](#)" – Mayor's Office – **Read and presented**

Proclamation of "[NATIONAL PURCHASING MONTH](#)" and recognizing the Purchasing Division of the Finance Department - City Manager's Office – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of March 22, 2012

Action Taken: Approved

Approve Successor Agency to the Redevelopment Agency minutes of March 22, 2012

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. Approve the appointment of Adrian Jones to the Fresno Housing Authority – Mayor's Office

Action Taken: Approved

B. * **RESOLUTION** – 56th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$146,000 in State of California Childhood Lead Poisoning Prevention Program (CLPPP) funds in the Development and Resource Management Department's budget to carry out eligible lead hazard control activities (**Requires 5 affirmative votes**) – Development and Resource Management Department

Action Taken: Resolution No. 2012-53 adopted

C. Documents pertaining to the construction of new manhole access sewer structures for the wastewater collection system (**Property located in Districts 1, 2, 4, 6, and 7**) – Department of Public Utilities

1. Approve a Finding of Class 3 and 4 Categorical Exemptions pursuant to Section 15303(d) (new construction or conversion of small structures) and 15304(f) (minor alterations to land) of the California Environmental Quality Act Guidelines for the construction of new manhole access sewer structures for the wastewater collection system

Action Taken: Approved

2. Award a \$213,200 contract to Floyd Johnston Construction Company, Inc. of Clovis, California, for new manhole access sewer structures

Action Taken: Approved

D. Approve a substitution of a listed subcontractor for the N. Polk Avenue and W. Shaw Avenue traffic signal modification, widening and striping (**Property located in Districts 1 and 2**) – Public Works Department

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- E. Consideration of alignments and widths of proposed public streets for a 63-lot industrial parcel map for property located on the east side of N. Brawley Avenue between W. Gettysburg and N. Weber Avenues; North of W. Ashlan Avenue – Development and Resource Management Department

Action Taken: Considered

1. **RESOLUTION** – Adopting the Environmental Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (WEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 (Air quality MND), prepared for Environmental Assessment No. TPM-2011-10; and, approving the proposed street alignments and widths for Vesting Tentative Parcel Map No. 2011-10

Action Taken: Resolution No. 2012-52 adopted

- F. * **RESOLUTION** - 61st amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$262,700 in sales tax revenues to fund the Fresno County Fire Protection District transition fee (***Requires 5 affirmative votes***) - Development and Resource Management Department

Action Taken: Resolution No. 2012-54 adopted

- G. Adopt Mitigated Declaration EA-11-008, by the City of Fresno, and the program for reporting or monitoring the mitigation measures contained therein pursuant to CEQA Guidelines 15074, and find that with the project specific mitigation imposed there is no substantial significant direct, indirect, or cumulative effect on the environment (***Property located in the County of Fresno***)- Public Works Department

Action Taken: Adopted

1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Kyle and Kristin Kircher, in the amount of \$103,000 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues

Action Taken: Approved

- H. Adopt Mitigated Declaration EA-11-008 and the program for reporting or monitoring the mitigation measures contained therein pursuant to CEQA Guidelines 15074, and find that with the project specific mitigation imposed there is no substantial significant direct, indirect, or cumulative effect on the environments (***Property located in the County of Fresno***) – Public Works Department

Action Taken: Adopted

1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Donald L. Lacefield and Kimberly A. Lacefield Family Trust, in the amount of \$89,900 for widening and placement of associated frontage improvements along the south side of Nees Avenue and the west side of Willow Avenue at the southwest corner of the intersection of Nees and Willow Avenues

Action Taken: Approved

CONTESTED CONSENT CALENDAR

9:00 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - Implementing the Fiscal Sustainability Policy” - City Manager's Office

Action Taken: Resolution No. 2012-55 adopted, as amended

- B. Document pertaining to preparing the Master Environmental Impact Report (MEIR) and related technical studies for Fresno Comprehensive Development Code and General Plan Update – Development and Resource Management Department
1. Authorize the Director of the Development and Resource Management Department to enter into a professional services agreement with the firm of Michael Brandman Associates in an amount not to exceed \$788,300 utilizing ARRA Funding from the U.S. Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG) to prepare the Master Environmental Impact Report (MEIR) for the Fresno Comprehensive Development Code and Fresno General Plan Update
Action Taken: Authorized
 2. * **RESOLUTION** - 62nd amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$788,300 to prepare the Master Environmental Impact Report (MEIR) and related technical studies for the Fresno Comprehensive Development Code and General Plan Update **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2012-56 adopted
- C. Documents pertaining to the Ashlan Avenue grind and overlay from Parkway Drive to Valentine Avenue project **(Property located in District 1) – Public Works Department**
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the Ashlan Avenue grind and overlay from Parkway Drive to Valentine Avenue project
Action Taken: Adopted
 2. Award a construction contract with Menefee Construction of Fowler, California, in the amount of \$602,492.80 for the Ashlan Avenue grind and overlay from Parkway Drive to Valentine Avenue project
Action Taken: Awarded
- D. Documents pertaining to the Weber Avenue grind and overlay from Valentine Avenue to Clinton Avenue project **(Property located in District 1) – Public Works Department**
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the Weber Avenue grind and overlay from Valentine Avenue to Clinton Avenue project
Action Taken: Adopted
 2. Award a construction contract with Agee Construction Corporation of Clovis, California, in the amount of \$711,711 for to Weber Avenue grind and overlay from Valentine Avenue, to Clinton Avenue project
Action Taken: Awarded
- E. * **RESOLUTION** – 60th amendment to the Annual Appropriations Resolution (AAR) No. 2011-133 appropriating \$1,020,000 in California High Speed Rail Authority (CHSRA) funding in the Development and Resource Management Department for the high speed rail station area planning grant **(Requires 5 affirmative votes)** – Public Works Department
Action Taken: Resolution No. 2012-57 adopted
- F. * **RESOLUTION** - 48th amendment to the Annual Appropriation Resolution (AAR) No. 2010-133 appropriating \$2,616,700 for operating programs and the completion of previously approved capital projects in the Public Works Department **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken: Resolution No. 2012-58 adopted
- G. * **RESOLUTION** - 509th amendment to Master Fee Schedule (MFS) Resolution No. 80-420 increasing green fees at Riverside Golf Course in the Parks Section **(Property located in District 2) - PARCS**
Action Taken: Resolution No. 2012-59 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:15 A.M. **HEARING** to adopt the per-capita water use targets as required by the State Water Code as part of the 2010 Urban Water Management Plan – Department of Public Utilities

Action Taken: **Held**

- a. **RESOLUTION** - Approving a methodology for consumption calculation for determining urban water use targets and the associated per-capita water use targets for 2015 and 2020 as required by the State Water Code

Action Taken: **Resolution No. 2012-60 adopted**

1:30 P.M. **CITY COUNCIL**

- A. Review of current Central California Society for the Prevention to Cruelty to Animals (CCSPCA) contract and discussion of possible amendment - Council President Olivier

Action Taken: **Oliver and Baines appointed to Council Sub-committee to work with staff, Fresno County and community group leaders to find a solution**

- B. * **RESOLUTION** - Approving the “High Speed Rail Business Impact Initiative” and establishing the “High Speed Rail Relocation Division” of the City of Fresno and establish a City policy for streamlined timelines and guidelines for entitlement and land use processing for properties affected by high speed rail – Councilmember Westerlund

Action Taken: **Laid over one week**

- C. **RESOLUTION** - Of the Mayor and City Council of the City of Fresno supporting the 144th Fighter Wing and the conversion of the F-15s to ensure that the Air National Guard continues to thrive in the City of Fresno – Councilmember Westerlund

Action Taken: **Laid over one week**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	5 -	10:00 A.M	HEARING for the Adoption of a Resolution of Public Use and Necessity –Burrow, Nella and Burrow
Apr.	5 -	10:15 A.M	HEARING re: Site Plan Review No. S-11-081, filed by Precision Engineering. (property located on the north side of W. Shaw Avenue between N. Gates and N. Jennifer Avenues)
Apr.	5 -	5:00 P.M	HEARING preferred alternative for the General Plan
Apr.	12 -		NO MEETING – EASTER BREAK
Apr.	19 -	1:00 P.M	MEETING
Apr.	19 -	1:15 P.M	HEARING – to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources
Apr.	19 -	1:30 P.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park (Property located in District 1)
Apr.	26 –	10:15 A.M.	HEARING re: Plan Amendment No. A-11-14 and Rezone Application No. R-11-020, filed by Derrel's Mini Storage
May	3 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (Reception immediately following – 2nd floor foyer)
May	10-		NO MEETING – RECESS
May	17-	8:30 A.M	MEETING
May	24 -	10:00 A.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park (Property located in District 1)